

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

§
GREEN ACRES BAPTIST CHURCH, §
INC., et al., §
§
Plaintiffs, §
§ Case No. 6:23-cv-566-JDK
v. §
§
BROTHERHOOD MUTUAL §
INSURANCE CO., §
§
Defendant. §

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The Court referred Defendant Brotherhood Mutual's motion for partial summary judgment (Docket No. 14) for proposed findings of fact and recommendations for disposition in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72. Docket No. 23. The Magistrate Judge issued a Report recommending that the motion be denied. Docket No. 49. Fourteen days have now passed, and no written objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc),

superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 49) as the findings of this Court. It is therefore **ORDERED** that Brotherhood Mutual's motion for partial summary judgment (Docket No. 14) is **DENIED**. Additionally, as stated in the Report, Plaintiffs' motion to strike certain evidence in Brotherhood Mutual's motion for summary judgment (Docket No. 18) and Brotherhood Mutual's objections to and motion to strike the declaration of Thomas J. Irmiter (Docket No. 20) are **DENIED**.

So **ORDERED** and **SIGNED** this 27th day of January, 2025.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE